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Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1339

Introduced by

Representatives Simons, Becker, Christensen, Ertelt, Hoverson, Jones, B. Koppelman, Paulson, Toman

Senator O. Larsen

A BILL for an Act to amend and reenact subsection 1 of section 62.1-01-01, section 62.1-02-05, and subsection 5 of section 62.1-04-01 of the North Dakota Century Code, relating to dangerous weapons.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 62.1-01-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Dangerous weapon" includes ~~any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or~~a knife with a blade of five inches [12.7 centimeters] or more~~; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas, including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun;~~ and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include a spray or aerosol containing ~~CS, also known as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or other~~an irritating agent intended for use in the defense of an individual, nor does the term include a device that uses voltage for the defense of an individual, unless the device uses a projectile and voltage or the device uses a projectile and may be used to apply multiple applications of voltage during a single incident, then the term includes the device for an individual who is prohibited from possessing a firearm under this title.

SECTION 2. AMENDMENT. Section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering - Penalty - Application.

1. An individual who knowingly possesses a firearm or dangerous weapon at a public gathering is guilty of an infraction. For the purpose of this section, "public gathering" means ~~an athletic or sporting event,~~ a school building, a church or other place of worship, and a publicly owned or operated building.
2. This section does not apply to:
   a. A law enforcement officer, or a correctional officer employed by the department of corrections and rehabilitation or by a correctional facility governed by chapter 12-44.1. A correctional officer employed by the department of corrections and rehabilitation may carry a firearm only as authorized in section 12-47-34. A correctional officer employed by a correctional facility governed by chapter 12-44.1 may carry a firearm or dangerous weapon only as authorized in section 12-44.1-30;
   b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
   c. A competitor participating in an organized sport shooting event;
   d. A gun or antique show;
   e. A participant using a blank cartridge firearm at a sporting or theatrical event;
   f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
   g. A student and an instructor at a hunter safety class;
   h. Private and public security personnel while on duty;
   i. A state or federal park;
   j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
   k. An individual in a publicly owned or operated rest area or restroom;

l. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a firearm or dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship;

m. A state, federal, or municipal court judge, a district court magistrate judge or judicial referee, and a staff member of the office of attorney general if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient;

n. An individual's storage of a firearm or dangerous weapon in a building that is owned or managed by the state or a political subdivision, provided:

(1) The individual resides in the building;

(2) The storage is inside the individual's assigned residential unit; and

(3) The storage has been consented to by the state, the governing board, or a designee; and

o. An individual authorized to carry a concealed weapon on school property under section 62.1-02-14.

3. This section does not prevent any political subdivision from enacting an ordinance that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering. An enacted ordinance supersedes this section within the jurisdiction of the political subdivision.

4. Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section.

5. This section does not prevent the governing body of a school or the entity exercising control over a publicly owned or operated building or property from authorizing the use of a less than lethal weapon as part of the security plan for the school, building, or property.

SECTION 3. AMENDMENT. Subsection 5 of section 62.1-04-01 of the North Dakota Century Code is amended and reenacted as follows:

5. A ~~bow and arrow,~~ rifle, shotgun, or unloaded handgun~~, or a weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas including any such weapon commonly referred to as a BB gun, air rifle, or CO_2 gun,~~ while carried in a motor vehicle.